

A Bill for an Act Relating to Fishing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that commercial fishing is a viable and important industry providing more than ten million dollars annually to our economy. A significant portion of this amount is attributed to the part-time and weekend fishers fishing from boats and the shorelines of our islands. In 1970 the legislature amended the Hawaii Revised Statutes to prohibit the sale of fish which had been taken with a spear. This had an immediate adverse impact on the availability of many species of fish in the marketplace and on the livelihood of many fishers relying on spear fishing to supplement their incomes. Two years ago, the Hawaii Revised Statutes was amended to permit the sale of u'u, uhu, and kumu taken by spear. The effect was again immediate, these species long absent from the markets were again available. Kumu, a particular favorite, is nearly impossible to take by hook, and uhu also

difficult to hook, had virtually disappeared in the markets. There are other species of fish, quite delectable and in demand by our people, that are very difficult or impossible to catch by hook and line methods.

The purpose of this Act is to remove the ban on the sale of speared fish, for a period of five years, to enhance the opportunities of the commercial fishers and to provide the consuming public with a greater variety of fish.

SECTION 2. Section 188-25, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 188-25 Fishing with firearms, spears.** (a) It shall be unlawful for any person to pursue, take, or kill any turtle, crustacean, mollusk, aquatic mammal or fish other than sharks in the waters of the State with firearms as defined in section 134-1 or to pursue, take, or kill any crustacean, turtle, or aquatic mammal with a spear.

(b) It shall be unlawful for any person below the age of fourteen years who is not accompanied by an adult to use a spear-gun in the waters of the State.

(c) After December 31, 1983, it shall be unlawful for any person to sell or offer to sell any fish other than sharks, u'u, uhu, and kumu taken or killed with a spear, provided that fish may be lawfully taken or killed with a spear for home consumption only.

(d) Any crustacean, mollusk, aquatic mammal, or fish taken or killed or offered for sale in violation of this section shall be confiscated and offered as evidence. For the purpose of this section, “spear-gun” shall mean any artificial device used to propel a spear or spears by means of compressed air or gas, elastic, spring, or any motive power. Whosoever violates this section shall be fined not less than \$10 nor more than \$50, or imprisoned not less than ten nor more than twenty days, or both.

(e) It shall be unlawful for any person to take any fish by the use of spears, or have in his possession any speared fish, which is smaller than the minimum size for the fish as specified in section 188-40 and any person violating this provision for the first time shall receive a citation; provided that any fine or imprisonment under the preceding subsection shall be waived. Any subsequent violation shall be punished as provided in the preceding subsection.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 26, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.